FOR MYSORE STATE

Development (1950) Department.

[illegible] SERIES.

G.O. No. 2048

Dated 22.5.50

2

[Despatch Abstract.]

Labour — Trade Unions Bill — Opinion furnished to India

GOVERNMENT OF INDIA
Ministry of Labour.

No.L.R.26(68) Dated New Delhi, the 3rd April 1950.

From

Shri K.C.Kuppuswami, B.A.(Hons.).
Under Secretary to the Government of India.

To

The Govt. of all part 'A' States..
All chief Commissioners.

Subject:-Trade Unions Bill, 1950.

Sir,

I am directed to invite a reference to this Ministry letter No.L.C.241(1) dated the 24th February 1950 with which copies of the Trade Unions Bill, 1950 were forwarded to you and to request that the comments, if any, of the State Government on the provisions of the Bill may kindly be forwarded to this Ministry as soon as possible in order that they may be considered and used when the Bill is considered by the Select Committee.

It is regretted that it was not possible to supply you with copies of the Bill before it was introduced in the Parliament.

Yours faithfully,
Sd/- N.C.Kuppuswami.
Under Secretary to Government.

(True Copy).

Letter Ms.No.2048.

Development Department.

...

From

The Secretary to Government,
Development Department.

To

The Secretary to the Government of India,
Ministry of Labour, New Delhi.

Dated, Fort St.George, the 22nd May 1950.

Sir,

Sub:-Labour Legislation - Trade Unions Bill.

Ref:-Shri N.C.Kuppuswami's letter No.L.R.26(68) dated 3rd April 1950.

The views of the Govt. of Madras on the provisions of the Trade Unions Bill forwarded with the letter cited are as follows:-

Clause 4. Application for registration:

It is considered desirable that ordinary members alone other than outsiders who may become members by virtue of their office, should be taken into account when computing the minimum number required in applying for registration. The clause may suitably be modified.

Clause 6: Conditions for Registration of a Trade Union.

Sub-Clause (e): The term 'temporary members' occurs in this clause. In some unions, workers newly admitted to membership but nevertheless employed in the establishment, are termed as temporary members for the first two years of their membership. These workers should not be treated as honorary members. The reference to temporary members in this clause may therefore be deleted.

Another provision may be incorporated in this clause to the effect that the rules of a trade union should also provide that a general body meeting shall beheld at least once in a year and that the audited statement of accounts and the report of the auditor should be placed before the general body meeting as early as possible.

Clause 11: Appeals:

Sub clause (4): In case of appeals to the High Court against the orders of the lower court as contemplated in this sub-clause, a time limit may be prescribed. The expression within such period as may be prescribed may be inserted after appeal to the High Court occuring in xxxx sub clause (4).

Clauses 12, 29, 30(3) and 30(4).

In matters relating to -

(i) change of address of the head office of a trade union,
(ii) notice of dissolution of the union.

p.t.o.

(iii) intimation of alteration made in the rules of the union; and
(iv) information of affiliation from one federation to another.

different time limits have been stipulated in the clauses mentioned above. For the sake of uniformity it is suggested that a uniform time limit of two weeks (14 days) may be stipulated in these clauses.

clause 17:

The term "general funds" is not defined in the Bill. Some unions claim that certain funds collected by them should be treated neither as general funds nor as political funds. It is therefore desirable to define "general funds" as to mean all funds collected by a registered trade union other than the separate funds referred to in clause 18.

Clause 30:

Clause 30(2) stipulates that all changes of officers are to be intimated annually in the annual return referred to therein. This will not be administratively very useful. In addition to this a provision may be made in the Bill requiring a trade union to intimate such changes to the Registrar within two weeks of their occurrence.

Clause 36:

Sub clause (i) of clause 32 empowers an employer to recognise any number of trade unions and not one only. It is possible to conceive of cases where he may voluntarily recognise an unrepresentative trade union and create trouble between that union and the most representative union which may obtain recognition by an order of the Labour Court. To obviate such a possibility, the trade union which has obtained recognition by an order of the Labour Court may be allowed to apply to it for the cancellation of recognition voluntarily granted by the employer and when the Labour Court cancells the recognition of such union the employer should be prohibited from recognising the same union without an order from the Labour Court. The scope of clause 36 may suitably be widened to provide for these purposes.

Yours faithfully,

Sd/-
Secretary to Government.

Copy to the Commissioner of Labour, Madras.

(True Copy)

Superintendent.

RB: 4-8.
K. V. Ambujakshan
K. Shankar 8/8/53.